

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WILLIAM D. CONLON,

Plaintiff,

v.

Case No. 08-C-0020

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

ORDER

On January 8, 2008, plaintiff William D. Conlon filed a complaint seeking review of a decision of the Commissioner of Social Security denying plaintiff's application for Social Security Disability benefits. Conlon also filed a motion for leave to proceed *in forma pauperis*.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). To authorize a litigant to proceed *in forma pauperis*, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2). In making the latter determination, the court must give a *pro se* plaintiff's allegations, "however inartfully pleaded," a liberal construction. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

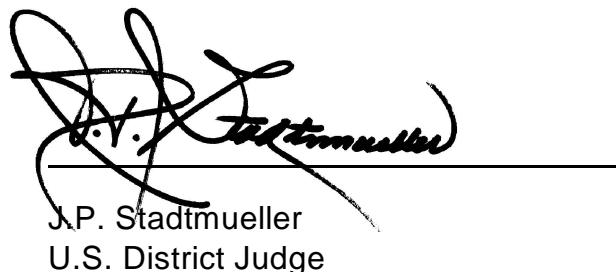
The plaintiff has not shown that he is unable to pay the filing fee. The plaintiff indicates that he receives a total monthly income of \$1,080.00. The plaintiff has no dependents. The plaintiff states that his monthly expenses total \$1,020.00 (including \$120.00 in cigarettes and \$250.00 in clothing and medical treatment). The plaintiff states that he must purchase several pairs of work gloves each month and that he pays for the treatment and medications for his bipolar disorder. The court believes that the plaintiff exaggerates his expenses for clothing, and the court does not consider the plaintiff's cigarette expense as a basis to avoid paying the filing fee in this case. The court has denied motions for leave to proceed *in forma pauperis* with respect to other litigants with similar incomes. (See, e.g., *DuBose v. City of Milwaukee*, Case No. 07cv0692, Aug. 6, 2007.) The court will deny Conlon's motion for leave to proceed *in forma pauperis*. The court will dismiss this action without prejudice if the plaintiff fails to pay the filing fee within twenty (20) days from the date of this order.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* be and the same is hereby **DENIED**; the plaintiff shall pay the filing fee within twenty (20) days from the date of this order.

Dated at Milwaukee, Wisconsin, this 10th day of January, 2008.

BY THE COURT:



J.P. Stadtmauer
U.S. District Judge